



JFW

SCHIFF HARDIN LLP

PATENT DEPARTMENT

6600 SEARS TOWER

233 SOUTH WACKER DRIVE

CHICAGO, ILLINOIS 60606

S GROUP ART UNIT: 3739

RE APPLICATION OF:

Graumann et al

SERIAL NO.:

10/615,527

EXAMINER: James M. Kish

FILED:

July 8, 2003

CONFIRMATION NO.: 8192

TITLE: MEDICAL APPARATUS FOR TRACKING MOVEMENT OF A BONE FRAGMENT IN A DISPLAYED IMAGE

APPLICANTS' RESPONSE TO AUGUST 9, 2006 OFFICE ACTION

MAIL STOP AMENDMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(2) CLAIMS REMAINING AFTER AMENDMENT			(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	*17	MINUS		**20	X 18	() X 25.00 () X 50.00	
INDEP. CLAIMS	*2	MINUS		3	X	() X 100.00 () X 200.00	
Application amended to contain any multiple dependent claims not previously paid for.					() YES	() \$180.00 () \$360.00 ONE TIME	
					() NO		
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

Applicants petition the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated _____ for _____ month so that the period for response is extended to _____. A check in the amount of \$_____ is attached to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to deposit account No. 501519. A duplicate copy of this sheet is enclosed.

A check in the amount of \$_____ is attached.

A check for \$_____ accompanying IDS under 37 CFR 1.97(c) is attached

A check for \$_____ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519. A duplicate of this sheet is enclosed.

When phoning re this application, please call (312) 258-5500.

SCHIFF HARDIN LLP (Customer Number: 26574)

BY Steven H. Noll (28,982)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 8, 2006.

Steven H. Noll

NAME OF APPLICANT'S ATTORNEY

SIGNATURE

November 8, 2006

DATE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS' RESPONSE TO THE AUGUST 9, 2006 OFFICE ACTION

APPLICANTS:	Graumann et al.	CONFIRMATION NO.: 8192
SERIAL NO.:	10/615,527	GROUP ART UNIT: 3739
FILED:	July 8, 2003	EXAMINER: James M. Kish
TITLE:	MEDICAL APPARATUS FOR TRACKING MOVEMENT OF A BONE FRAGMENT IN A DISPLAYED IMAGE	

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

Applicants and their counsel have carefully reviewed the Office Action dated August 9, 2006, but believe the claims in their present form are patentable over the teachings of the references relied upon by the Examiner. Reconsideration of the application in view of the following arguments in support of patentability is therefore respectfully requested.

R E M A R K S

In the Office Action dated August 9, 2006, claims 1-4, 6-13, 16 and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Foley et al. This rejection is respectfully traversed for the following reasons.

In substantiating this rejection, the Examiner made no mention whatsoever of a disclosure in the Foley et al. reference regarding a medical instrument adapted for introduction into the body of a subject that is adapted to interact with a bone fragment in the body of the subject to move the bone fragment, nor did the Examiner identify any disclosure in the Foley et al. reference regarding an image computer